

### **REMARKS**

The Office examined claims 1-3, 5-10, and 12-23. Claims 5, 12 and 22 are objected to and claims 1-3, 6-10, 13-21 and 23 are rejected. With this paper, claims 1, 5, 8, 16, 17 and 21 are amended, none of the claims are canceled and no new claims are added, so that claims 1-3, 5-10, and 12-23 remain in the application.

Applicants have amended claim 8 with regard to grammar in order to more distinctly claim the invention. Support for the amendment can be found throughout the specification as originally filed, including page 7, lines 22-24 and page 8, lines 22-33. No new matter has been introduced by way of amendment.

Applicants have also amended claim 16 with regard to grammar in order to more distinctly claim the invention. Support for the amendment can be found throughout the specification as originally filed, including page 6, lines 1-8. No new matter has been introduced by way of amendment.

Applicants have amended claim 17 to be dependent on independent claim 1, rather than dependent claim 5. No new matter has been introduced by way of amendment.

### **Statement of Substance of Interview**

Applicants' agent would like to thank Examiner Julio Perez for his helpful comments made during a telephone interview with the Attorney Alfred Fressola on July 14, 2010. At that time, Attorney Fressola discussed with Examiner Perez what applicant believes to be a distinguishing feature of claim 1, namely that the communication device maintains simultaneous active connections to more than one system at a time. Attorney Fressola further explained that this feature distinguishes over the handoff scenario discussed in paras. [0020]-[0023] of Sammarco. Examiner Perez indicated that an amendment pointing out this feature would be helpful and that he would review the claim in light thereof, with possible further searching. Accordingly, applicants provide herein an amendment to claim 1 that further clarifies this feature. Similar amendment is made to independent claims 8, 16, and 21.

Claim Objections

At sections 3-4 of the Office Action, claims 1 and 5 are objected to for informalities. Applicants have amended claims 1 and 5 herein to recite the term “communication device” as directed by the Office. As amended, applicants respectfully submit that the claim objections have been overcome, and therefore requests that the objections to claims 1 and 5 be withdrawn.

Claim Rejections under 35 USC §112

At sections 5-6 of the Office Action, claims 8 and 21 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended claims 8 and 21 to replace “device” with “apparatus”, for which there is proper antecedent basis. As amended, applicants respectfully submit that the requirements of 35 USC §112, second paragraph are satisfied, therefore, applicants request that the rejection of claims 8 and 21 be reconsidered and withdrawn.

Claim Rejections under 35 USC §103

At sections 7-8 of the Office Action, claims 1-3, 6-10, 13-21 and 23 are rejected under 35 USC §103(a) as being unpatentable over Sammarco (US 2004/0121781) in view of Chitrapu (US 2004/0092265) in view of Dowling (US 2006/0195551). Of the claims so rejected, the independent claims are claims 1, 8, 16 and 21.

Applicants have amended claim 1 to recite that the claimed method comprises “...obtaining information about at least two currently active cellular network systems to each of which the communication device has one or more active connections for respective connected applications simultaneously hosted by the communication device, wherein the information includes at least the number and type of connections currently in use....” Independent claims 16 and 21 are similarly amended. Support for the amendment can be found in the specification as originally filed, including page 3, lines 3-8, page 3, lines 20-27, page 4, line 9 and page 4, lines 16-26. No new matter has been introduced by way of amendment.

To the extent that the obviousness rejection might be applied to the claims, as amended, it is respectfully traversed for the following reasons:

The Office relies on Sammarco (Fig. 5, paras. [0016], [0018] [0020]-[0023]) for teaching a device obtaining information about *one* currently active cellular network system to which the device has one active connection for respective connected applications hosted by the device, and deciding whether to allow establishing a new connection to one of the currently active cellular network systems on behalf of another application hosted by the device. The Office asserts that Sammarco teaches connection to active cellular networks, but admits that Sammarco fails to suggest “based on factors including the information about currently active network systems”, as claimed. For this, the Office relies on Chitrapu (Fig. 2, Fig. 4, paras. [0015]-[0017]), disclosing information about combinations of different connections allowed by each currently active network system. The Office further admits that Sammarco and Chitrapu fail to teach “wherein the information includes at least the number and type of connections currently in use”, as claimed. For this, the Office relies on Dowling (paras. [0027]-[0028], [0033]-[0034], [0037]-[0041]), disclosing one or more servers coupled to the packet transport interface for routing functions for packet rerouting within the proximity of the mobile device.

Independent claim 1 (and similarly independent claims 8, 16 and 21), however, requires “at least two currently active cellular network systems to each of which the communication device has one or more active connections for respective connected applications *simultaneously* hosted by the communication device”; therefore the claimed invention recites *at least two* active connections (i.e., at minimum, [at least] one active connection for each of [at least] two currently active cellular network systems).

Sammarco fails to disclose or suggest this feature of the claimed invention. The claimed invention requires that the communication device maintain simultaneous active connections to more than one system at a time. On the contrary, Sammarco at paras. [0020]-[0023] merely indicates that the terminal looks for a preferred system, and failing that establishes a connection to a non-preferred system. Similarly, Sammarco at para.

[0016] discloses a multi-mode terminal, but not one that would be in communication with more than one system at the same time. Furthermore, Sammarco at para. [0018] merely discloses the systems with which the device might communicate. Moreover, Sammarco at para. [0021] discloses Sammarco's meaning of "scan", namely that the presence of a system is discovered. This is not remotely indicative of having an active connection to a system, as claimed. Thus, applicants respectfully submit that Sammarco fails to disclose or suggest "at least two currently active cellular network systems to each of which the communication device has one or more active connections for respective connected applications simultaneously hosted by the communication device," as claimed.

With regard to Chitrapu, applicants submit that Chitrapu fails to disclose or suggest the claimed simultaneous connections, as Chitrapu is concerned only with handovers. The claimed invention recites adding a new connection to a system with which the device already has at least one active connection. Para. [0025] of Chitrapu discloses handover conditions, but not adding a new connection as claimed. Combining Chitrapu with Sammarco would merely result in the selecting of a network (Sammarco paras. [0020]-[0023]) and the desired connection capabilities (Chitrapu para. [0016]). Thus, applicants respectfully submit that Chitrapu fails to disclose or suggest the feature of the claimed invention that is lacking in Sammarco, namely "*at least two* currently active cellular network systems to each of which the communication device has one or more active connections for respective connected applications simultaneously hosted by the communication device."

In Dowling, a method is disclosed for use in distributed communication systems comprising a plurality of communication protocols. In one embodiment a first air interface is used to initiate communication between a wireless client and a remote server at least partially using a first wireless access point. A remote server aids in roaming by downloading to the mobile unit a software module that supports a communication protocol feature for use by the mobile unit to aid in communication after the roam operation. The wireless client can thereby communicate with a second wireless access point using said second air interface protocol. Exemplary

embodiments of the present invention are disclosed that focus on toll-tag and electronic-commerce related highway systems, distributed federated wireless access systems, and wide area wireless system capacity augmentation (Dowling, Abstract). Thus, Dowling also fails to disclose or suggest this feature of the claimed invention, namely “*at least two* currently active cellular network systems to each of which the communication device has one or more active connections for respective connected applications simultaneously hosted by the communication device.” The Office does not argue otherwise.

Consequently, Sammarco, Chitrapu and Dowling, taken singly or in combination, fail to disclose or suggest all the features of the invention as recited in independent claim 1. Independent claims 8, 16 and 21 are also rejected for the same reasons as claim 1. For at least the reasons provided above with regard to claim 1, applicants respectfully request that the rejection of claims 1, 8, 16 and 21 under 35 USC §103(a) be reconsidered and withdrawn.

Claims 2-3, 6-7, 9-10, 13-15, 17-20 and 23 are directly or indirectly dependent from claims 1, 8, 16 and 21 and recite additional features not recited in claims 1, 8, 16 and 21. For at least the reasons provided above with regard to claims 1, 8, 16 and 21, applicants respectfully request that the rejection of claims 2-3, 6-7, 9-10, 13-15, 17-20 and 23 under 35 USC §103(a) be reconsidered and withdrawn.

Allowable Subject Matter

At section 9 of the Office Action, the Office objects to claims 5, 12 and 22 as being dependent on a rejected base claim, but asserts that claims 5, 12 and 22 would be allowable if rewritten in independent form including all of the limitations of the base claims and intervening claims. Applicants respectfully submit that claims 5, 12 and 22 are allowable in their current form in view of the allowability of claims 1, 8 and 21 from which claims 5, 12 and 22 ultimately depend.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

Respectfully submitted,

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Date

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